

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

DOCKET NO. 2002-558

January 22, 2003

PUBLIC UTILITIES COMMISSION
Request for Waiver of Requirements of Rule,
(Chapter 204, Section VIII (B)) and Request to
Add Madison to Local Calling Area for Citizens
of Athens

ORDER GRANTING
WAIVER REQUEST

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we grant the request for waiver of the requirements for adding an exchange to the basic service calling area. We direct TDS Telecom - Somerset Telephone Co. (TDS), and Verizon-Maine (Verizon) to make the requested BSCA modification during the implementation of the recent revisions to the Chapter 204.

II. BACKGROUND

On September 16, 2002, the Commission received a petition containing more than 100 signatures requesting a waiver from the requirements of the Commission's Basic Service Calling Area Rule (Chapter 204). The petitioners request that Verizon's Madison exchange, which is not contiguous to TDS's Athens exchange, be added to the Premium calling area of the Athens exchange (TDS Telecom - Somerset Telephone Co.). While the number of petitioners is less than what was required by Chapter 204, the recent revisions to the rule require only 50 signatures to initiate a request for modification of a BSCA.

Petitioners request that the Madison exchange be added to their BSCA because Athens belongs to MSAD 59 and both junior-high and senior-high schools are located in Madison. Athens students who attend school in Madison cannot call home without making a toll call.

Pursuant to a Staff data request, on September 23, 2002, TDS provided a call volume analysis using both the standards contained in the earlier version of the BSCA rule and the proposed revised standard contained in Section 6 (C)(1) of the revised Rule. The revised standard was adopted on December 10, 2002. Under the previous standard, which required that 40 percent of Athens customers make four or more toll calls per month to the Madison exchange, the Athens exchange did not qualify, as only 36% met the requirement. The revised standard is less stringent:

The Commission may require the affected LEC(s) to conduct a study of residential customer calling volumes to any exchange that the LEC or customers have requested be included in a BSCA option. If, in a representative month, residential customers in the home exchange make an average of three calls a month, and 40% of those customers make two or more calls a month to the requested exchange, the Commission shall grant the request for the change in the BSCA unless it finds good cause to deny the request.

Athens residential customers average more than five toll calls per month to the Madison exchange and 52% make two or more toll calls per month to the Madison exchange. TDS also provided revenue information which indicated that the rate increases for the expansion would be modest (the current monthly rates are: Economy, \$12.17; Premium, \$14.15).

III. DECISION

While the Commission believes that a sufficient community of interest exists between the Athens and Madison exchanges, it is not necessary to address whether we should base our decision on the location of the school district. Instead, we rely on the calling volume standard in our recently revised rule. We revised the calling volume standard with the express purpose that it better indicate a community of interest. No party has presented any "good cause" why we should not order the requested expansion of the Athens BSCA. We note, however, that, pursuant to Section 2 of the revised Rule, all contiguous exchanges must be added to the BSCA of each exchange. That effort involves a large number of BSCAs and additional exchanges throughout the State. It would not appear to make sense to add additional exchanges piecemeal.

We direct TDS and Verizon to modify the BSCA of the exchanges of Athens and Madison to include each in the other's Premium option and to make the modification effective in conjunction with the implementation of the addition of contiguous exchanges pursuant to the recently adopted BSCA rule revisions. Each company should propose rates and, to the extent required by the Rule, Economy and Premium options.

Dated at Augusta, Maine, this 22nd day of January, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.